

Appl. No. : 10/051.454
Filed : January 18, 2002

REMARKS

Claims 1-43 are currently pending in the application. By the foregoing amendments, Applicant cancelled Claims 30-43 without prejudice and added new Claims 44-64 to further clarify the claimed invention and expedite receiving a notice of allowance. Pursuant to 37 C.F.R. § 1.118, no new matter is introduced by these amendments.

Response to Restriction Requirement

The Office Action states that restriction to one of the following inventions is required under 35 U.S.C. § 1221:

- I. Claims 1-29 drawn to a jointed apparatus, classified in class 473, subclass 481.
- II. Claims 30-43 drawn to a method of assembling a base, classified in class 473, subclass 476.

The Office Action stated that inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using the product (MPEP § 806.05(h)). The Office Action asserts that in the instant case, the apparatus could be installed without an intermediate support positioned under the front side of the base plate. The Office Action concludes that because these inventions are distinct for the reasons given above and have acquired a

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separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.


In response, Applicants elect, without traverse, to proceed with the examination directed towards Invention I, Claims 1-29. Accordingly, as set forth above, Applicants cancelled Claims 30-43 without prejudice. In addition, Applicants added new Claims 44-64, which are directed towards the elected invention, in order to further define and/or clarify the claimed invention. Thus, the examination on the merits should proceed in connection with Claims 1-29 and 44-64.

Applicants believe that the foregoing provisional election fully responds to the imposed restriction requirement. If, however, the Examiner believes that any additional issues remain or require clarification, the Examiner is cordially invited to contact the undersigned by telephone so that these remaining issues may be promptly resolved.

Respectfully submitted,

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